

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1682 - SB 1734

February 15, 2020

SUMMARY OF ORIGINAL BILL: Authorizes certain local governments to establish standing committees of the county legislative body to consider applications for opening, changing, or closing a public road within the county. Expands the authority of regional planning commissions to include the ability to consider applications for opening or changing a public road.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures –
Exceeds \$1,400/FY20-21 and Subsequent Years/Permissive

SUMMARY OF AMENDMENT (014881): Adds language to the original bill to state: (1) changes to public roads by such committees do not include a reduction in the maximum gross weight limits of freight or motor vehicles operating over public roads; and (2) that provisions governing the opening and closing of a public road within a county do not supersede provisions concerning maximum gross weight limits of freight vehicles operating on certain roads, as determined by the Department of Transportation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 54-10-201 through § 54-10-216:
 - Petitions to open, change, or close a public road within a county are considered by a jury of view;
 - Juries of view, when appointed, consist of three members who are each paid \$2.00 per day of service, resulting in a total of \$6.00 (\$2.00 x 3 members) per day;
 - Applications to close a public road within the county may be considered by the regional planning commission, if it exists, as an alternative to appointing a jury of view.

- The proposed legislation:
 - Authorizes counties which do not have a regional planning commission to appoint a standing committee of the county legislative body, as an alternative to appointing a jury of view;
 - Requires any standing committee appointed to consist of five members;
 - Establishes that such standing committees shall operate only for the purpose of considering applications to open, change, or close a public road; and
 - Expands the topics which a regional planning commission may consider to include those which open or change a public road with the county.
- Pursuant to Tenn. Code Ann. § 13-3-104, regional planning commissions confer and advise local governments on a variety of issues. It is assumed the receipt of any applications concerning the opening or changing of a road would be added to a regularly scheduled meeting; therefore any impact associated with the expansion of topics considered is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 5-5-107, county commissioners are compensated for each day's attendance at a meeting or paid as a monthly salary. Members who are paid a monthly salary are not compensated for attendance at individual committee meetings.
- There are 25 counties which do not have a regional planning commission. Of those, 16 pay commissioners on a per-meeting basis at an average rate of \$70 per meeting.
- Of the 16 counties which do not have a regional planning commission and compensate commissioners on a per-meeting basis, it is reasonably assumed:
 - A quarter, or 4, of applicable counties will appoint a special committee as a direct result of the proposed legislation;
 - Counties appointing a special committee would have appointed a jury of view in the absence of this legislation; and
 - Any special committee appointed will meet at least once per year.
- The appointment of such special committees will result in a statewide recurring, permissive increase in local expenditures estimated to exceed \$1,376 {[(\$70 per-meeting compensation x 5 members) - \$6.00 jury of view compensation] x 4 counties} beginning in FY20-21.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jrh